

RESOLUTION NO. 97-198

A RESOLUTION OF THE LODI CITY COUNCIL
MAKING FINDINGS REGARDING THE
ESTABLISHMENT OF THE LODI BUSINESS
IMPROVEMENT AREA NO. 1

WHEREAS, on October 15, 1997, the City Council of the City of Lodi, (the "City"), adopted Resolution No. 97-179 (the "Resolution"), declaring its intention to establish a Parking and Business Improvement Area (hereinafter referred to as the "Area"), to levy a benefit assessment on all businesses, trades, professions, and vendors within said Area, the proceeds of which shall be used for the public purposes herein described to benefit the businesses in the Area, pursuant to the Parking and Business Improvement Area Law of 1989, Part 6 (commencing with §36500) of Division 18 of the California Streets and Highways Code (the "Act"); and,

WHEREAS, pursuant to the Act and the Resolution, City conducted a public hearing, after having given due notice thereof as required by law, on November 5, 1997, in City Council Chambers, at Carnegie Forum, 305 West Pine Street, Lodi, California; and

WHEREAS, said public hearing has been held and the City Council has heard and considered all oral and written protests and other comments regarding such proposed actions; and

WHEREAS, protests in writing from businesses in the proposed Area paying 50% or more of the proposed assessment have not been received; and

WHEREAS, this City Council has now determined to establish the proposed Area as a Parking and Business Improvement Area, to provide for the imposition of a benefit assessment and to adopt an ordinance to such effect; and

WHEREAS, in the opinion of this City Council, the businesses within the Area will be benefited by the expenditure of the funds raised by the assessments levied hereby in the manner prescribed herein; and

WHEREAS, this City Council may, for each of the purposes set forth in §36510 & §36513 of the Act, establish one or more separate benefit zones based upon the degree of benefit derived from the formation of the Area, and may impose a tiered assessment or charge within each of the benefit zones; and

WHEREAS, all provisions of the Act applicable to the establishment, modification, or disestablishment of an Area shall apply to the establishment, modification, or disestablishment of benefit zones pursuant to the Act, and the establishment or the modification of any benefit zone shall follow the same procedure as provided for under the establishment of a Parking and Business Improvement Area; and the disestablishment of a benefit zone shall follow the same procedure as provide for disestablishment of an Area; and

WHEREA , upon the request of the Area Board . Directors, this City Council shall commence the proceedings required by law to amend the boundaries, assessments or charges established pursuant to an Ordinance subject to approval of the Board of Directors of the Area as expressly provided for herein; said modifications being made pursuant to the procedural requirements of the Act, but no assessment or charge shall be modified which would impair the ability of the Area to meet the obligations of a contract to construct or operate physical improvements in the Area; and

WHEREAS, adjustments may be made in the assessments or charges to businesses in the Area, or in the uses to which the revenue shall be put, as specified in an Ordinance and subject to Board approval, provided such changes are made by a supplemental Ordinance adopted after a hearing before the City Council; and

WHEREAS, for purposes of the assessments or charges to be imposed pursuant to an Ordinance, this City Council may make a reasonable classification of businesses, giving consideration to various factors, including general benefit to businesses and the degree of benefit received from Area programs; and

WHEREAS, the assessments or charges levied on businesses pursuant to an Ordinance shall, to the maximum extent feasible, be levied on the basis of the estimated benefit to the businesses within the Area.

Dated: December 3, 1997

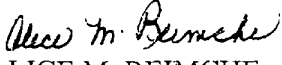
I hereby certify that Resolution No. 97-198 was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 3, 1997 by the following vote:

AYES: Council Members – Land, Mann, Sieglock, Warner and Pennino
(Mayor)

NOES: Council Members - None

ABSENT: Council Members - None

ABSTAIN: Council Members - None


ALICE M. REIMCHE
City Clerk